

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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SHIRLEY LIPP,

Plaintiff,

v.

ORDER  
05-CV-880A

FEDERAL EXPRESS CORPORATION,

Defendant.

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On May 22, 2006, this Court issued an order to show cause as to why this case should not be dismissed for failure to prosecute. On June 19, 2006, the plaintiff filed a response to the Court's order explaining that counsel inadvertently misplaced the complaint and had difficulties filing the document electronically. The defendants also filed a response. The defendants urge the Court to dismiss the action for failure to prosecute.

The Court has reviewed the plaintiff's response and is satisfied that the action should be permitted to proceed. However, the plaintiff is ordered to file the complaint (which thus far has only been filed as an attachment to the June 19<sup>th</sup> response) on or before July 22, 2006, and to properly serve the complaint upon the defendants in accordance with Rule 4 of the Federal Rules of Civil Procedure. The failure to do so may result in dismissal of this action. In accordance with Rule 81(c), the defendants shall then have 20 days after service to answer or otherwise move against

the complaint.

IT IS SO ORDERED.

/s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA  
CHIEF JUDGE  
UNITED STATES DISTRICT COURT

DATED: June 26, 2006